



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X 14 CV 9904 (PKC)

ROBERT F. FITZGERALD,

Plaintiff,

VERDICT SHEET

-against-

212 STEAKHOUSE, INC., and
NIKOLAY VOLPER,

Defendants.

-----X

Please answer the following questions in order:

I. TITLE VII

1. Has Plaintiff proven by a preponderance of the evidence that Plaintiff's alleged failure to conform to gender stereotypes was a motivating factor in Defendant 212 STEAKHOUSE's decision to deny Plaintiff employment?

Yes X
No

II. NEW YORK CITY HUMAN RIGHTS LAW - § 8-107(1) –
(Discrimination based on failure to conform to gender stereotypes)

2. Has Plaintiff proven by a preponderance of the evidence that Plaintiff's alleged failure to conform to gender stereotypes was a motivating factor in 212 STEAKHOUSE's failure to hire and/or termination of Plaintiff?

Yes X
No

III. NEW YORK CITY HUMAN RIGHTS LAW - § 8-107(1) –
(Discrimination based on perceived sexual orientation)

3. Has Plaintiff proven by a preponderance of the evidence that Plaintiff's alleged perceived sexual orientation (as gay) was a motivating factor in 212 STEAKHOUSE's failure to hire and/or termination of Plaintiff?

Yes

No

IV. NEW YORK CITY HUMAN RIGHTS LAW - § 8-107(6) –
(Individual Liability)

4. Has Plaintiff proven by a preponderance of the evidence that Defendant NIKOLAY VOLPER aided, abetted, incited, compelled, or coerced Defendant 212 STEAKHOUSE's discriminatory treatment of Plaintiff found in response to Question 2 or 3?

Yes

No

V. DAMAGES

Compensatory Damages

5. Please state the total amount, if any, of compensatory damages that Plaintiff has proven by a preponderance of the evidence were proximately caused by Defendants' conduct.

Past Lost Earnings (Back Pay) \$ _____

Future Lost Earnings (Front Pay) \$ _____

Mental/Emotional Pain and Suffering \$ _____

If you have awarded compensatory damages in any amount, proceed to question 6. If you did not award compensatory damages, proceed to the signature line.

Punitive Damages

Do you award punitive damages to Plaintiff against Defendant 212 STEAKHOUSE, INC.?

Yes No

If your answer is "Yes," state the amount \$ _____

You have completed all questions. Please proceed to the signature line.

SIGNATURE

Foreperson, please sign and date the verdict sheet. Then, without disclosing your verdict, advise the Court in a note that you have reached a verdict and are ready to return to the courtroom to announce your verdict.

Dated: New York, New York
12/10, 2015



FOREPERSON